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| 09/728,960      | 12/04/2000  | Timothy C. Ostwald   | 00-082-TAP          | 3973             |

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| EXAMINER |
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MAGEE, CHRISTOPHER R

| ART UNIT | PAPER NUMBER |
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2653

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/728,960

Applicant(s)

OSTWALD ET AL.

Examiner

Christopher R. Magee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless –*

*(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

1. Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Hug et al. (hereinafter Hug) (US 5,128,912).

- Regarding claims 1, 5, 10-12, 14, 15 and 17, Hug shows a storage library for the storage and retrieval of media objects (Fig. 1), the storage library comprising:

a frame (not numbered; Fig. 6) ;

first and second horizontally arranged rows (not numbered) of media object storage cells 16 arranged within a frame in a common plane, each of the media object storage cells for housing a media object 18 (Fig. 1);

a robotic mechanism 26 coupled to the first track for moving horizontally along the track (col. 11, lines 13-16); and

media object manipulation mechanism coupled to the robotic mechanism 26, wherein the media object manipulation mechanism is vertically movable for moving between the first and second rows of media object storage cells when the robotic mechanism is coupled to the track in order to manipulate the media objects housed within the first and second rows of media object storage cells (col. 11, lines 17-21).

a first track 32 attached to the frame and arranged in the common plane and the first track being disposed adjacent to the first row of media object storage cells;

a second track 34 attached to the frame and arranged in the common plane and the second track being disposed between the first and second rows of media object storage cells;

a first robotic mechanism 26 coupled to the first track for moving horizontally along the first track, the first robotic mechanism having a first media object manipulation mechanism vertically movable for moving between the first and second rows of media object storage cells in order to manipulate the media objects housed within the first and second rows of media object storage cells (col. 11, lines 13-16); and

a second robotic mechanism 28 coupled to the second track for moving horizontally along the second track, the second robotic mechanism having a second media object manipulation mechanism vertically movable for moving between the second and third rows of media object storage cells in order to manipulate the media objects housed within the second and third rows of media object storage cells (col. 11, lines 17-21).

- Regarding claim 2, Hug discloses the media object manipulation mechanism is a gripper mechanism (col. 9, lines 48-67; Fig. 8).

- Regarding claims 3, 18, 20 and 21, Hug teaches the media object manipulation mechanism is vertically movable to move from the first row of media object storage cells to the second row of media object storage cells (Fig. 6).

- Regarding claims 4 and 19, Hug teaches the media object manipulation mechanism is vertically movable to move from the second row of media object storage cells back to the first row of media object storage cells (Fig 6).

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- Regarding claim 6, Hug shows a track 36 is disposed between the first and second rows of media object storage cells (Fig 1).
- Regarding claim 7, Hug shows the second row of media object storage cells is below the first row of media object storage cells and the track is disposed above the first row of media object storage cells (Fig. 1).
- Regarding claim 8, Hug teaches the media objects include media cartridges (col. 3, lines 46-65).
- Regarding claim 9, Hug teaches the media objects include media players (col. 3, lines 46-65).
- Regarding claims 13, 16 and 22, Hug teaches the media object manipulation mechanism rotates to move vertically between the first and second rows of media storage cells (col. 4, line 58 to col. 5, line 14).

### ***Response to Arguments***

2. Applicant's arguments filed 2/13/2004 have been fully considered but they are not persuasive:

- Applicant asserts on page 9:

*"The claimed invention generally differs from Hug in that in the claimed invention a track is attached to a frame of the storage library and is arranged in the common plane of the rows of storage cells which are arranged within the frame."*

and

*"As such, Hug does not teach or suggest horizontally arranged tracks disposed between rows of storage cells as recited in dependent claims 6 and 10 and amended independent claims 14-15."*

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Hug '912 shows a frame in Figure 6 (not numbered) that is a component of the storage library 10. Without a frame, the storage library 10 of Hug would not have structural integrity and thus, fail during operation. As shown in Figure 6, the frame and tracks are in a common plane.

The tracks 32 and 34 of Hug '912 are disposed between the rows of storage cells 12 and 14 as recited (see Figures 1 and 6).

Therefore, the rejection of claims 1-22 is upheld.

### ***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Magee whose telephone number is (703) 605-4256. The examiner can normally be reached on M-F, 8: 00 am-5: 30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher R. Magee  
Patent Examiner  
Art Unit 2653

May 3, 2004



GEORGE J. LETSCHER  
PRIMARY EXAMINER